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CORRESPONDENCE.

POSSESSION AS A SUBSTITUTE FOR REGISTRY.

Editor Virginia Law Register :

Permit me to call attention to section 2465 of the Code of Virginia, as amended by Acts of '95-6 and '97-8. Under this section of the Code, the case of *Chapman v. Chapman* (91 Va. 397) decided that possession of premises was notice to a purchaser, and made it incumbent upon him to inquire into the tenant's right to possession. The Acts of 1895-6, p. 842, amended the section so as to render this inquiry unnecessary. The legislature of 1897-8 re-amended the section (evidently taking the Code for a guide) in another particular, viz., in regard to registry of bills of sale, etc., and left out the saving clause of the amendment of 1895-6, thus re-establishing the burdensome rule as laid down in *Chapman v. Chapman* (Acts 1897-8, p. 833). You may have noticed this already, but I can find no mention of it in the REGISTER, and find it is generally unknown to the Richmond bar, and, as it is of great importance to title examiners especially, I take the liberty of calling attention to it.

Yours very truly,

Richmond, Va.

WM. E. CRAWFORD.

CONTRACTS OF MARRIED WOMEN.

Editor Virginia Law Register :

Must a married woman who is not engaged in trade or business possess separate estate as contemplated by chapter 103 of the Code of Virginia in order to make a valid endorsement of her husband's note for his accommodation? My answer is, emphatically, no! She need not own a dollar in the world, and yet her endorsation will be perfectly valid and good. As you state, the only exceptions are: First, her common law land; second, her equitable estate; third, contracts of partnership with her husband. Her contractual rights are limited in these three particulars, otherwise they are practically absolute and unlimited.

Under chapter 103 she can clearly bind her person. This, it seems to me, is the plain, simple and direct solution of the whole question. She certainly could not bind her person at common law, nor under the Smith Act. It seems plain and manifest under this chapter that she does not have to own a single cent of separate estate in order to bind her person. She can, without a dollar, endorse her husband's note for a million of dollars, and *if after* such endorsation a judgment is obtained against her, the judgment will be good against her after-acquired property; that is to say, if she acquires this amount it will be held liable for the judgment. Prior to this chapter it is admitted that her contractual rights were limited, and it required the ownership of a separate estate to enable her to contract. The chapter to which I allude seems to have cut this up, root and branch, and I have never been able to see any special difficulty in the subject.

CARR PATTESON.

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